

REMARKS

This Amendment is being filed in response to the Office Action dated March 17, 2008. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-30 remain in this application, where claims 1, 21 and 29-30 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-23 and 25-30 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-23 and 25-30 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 5-20 and 22-28 are objected to

for multiple dependency. In response, claims 5-7, 9-12, 14-15, 17-20, 22-23, 26 and 28 have been amended to remove the multiple dependency. Accordingly, withdrawal of this objection to claims 5-20 and 22-28 is respectfully requested and examination on the merit is respectfully requested.

In the Office Action, claims 1-4, 21 and 29-30 are rejected under 35 U.S.C. §103(a) as allegedly anticipated by U.S. Patent Application Publication No. 2001/0017985 (Tsuboi). It is respectfully submitted that claims 1-30 are patentable Tsuboi for at least the following reasons.

Tsuboi is directed to an optical device capable of controlling its optical transmittance. The Tsuboi optical device includes a chamber having a clear liquid and a liquid that blocks light. The light blocking liquid is moved in two directions towards both sides of the chamber to allow passage of light.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 21 and 29-30, amongst other patentable elements recites (illustrative emphasis provided):

wherein the second body of fluid is arranged to

move substantially transverse to the optical axis in only one direction towards one side of the fluid chamber in response to a voltage applied to the first and second electrodes and thereby change the transmissivity of the fluid chamber along the optical axis.

Moving a body of fluid in only one direction towards one side of the fluid chamber is nowhere disclosed or suggested in Tsuboi. Rather, Tsuboi discloses moving the blocking liquid in two directions towards both sides of the chamber to allow passage of light.


Accordingly, it is respectfully submitted that independent claims 1, 21 and 29-30 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-20 and 22-28 should also be allowed at least based on their dependence from amended independent claims 1 and 21.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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